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In re Application of
Weniger et al.
Application No. 10/585,816
PCT No.: PCT/EP2005/000319
Int. Filing Date: 14 January 2005
Priority Date: 14 January 2004
Atty. Docket No.: 06088
For: Method For Determining Colour
Perception In Multi-Layer Systems

DECISION

This is in response to applicants' response filed on 22 September 2008.

DISCUSSION

In a Decision mailed on 04 August 2008, it was observed that

Inspection of the declaration filed on 23 August 2006 reveals that it nominates "Kirsten Povel, geb. Weniger" in place of "WENIGER, Kirsten" named in the published international application. Counsel states that the inventor "has become married and now uses the name Kirsten Povel, as indicated on the inventors' declaration." MPEP 605.04(b) states in part that

Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.

Since the change described above represents more than a mere typographic error or phonetic misspelling of applicant's name, a petition (and fee) under 37 CFR 1.182 is required. In the absence of such a petition, it would not be appropriate to accept the declaration at this time. It is noted that the declaration is defective for the further reason that it includes an un-initialed alteration to the inventor's name.

In response, applicants have filed a newly executed declaration which nominates "Kirsten POVEL (nee Weniger)" in lieu of "WENIGER, Kirsten" named in the published international application. However, this change in the inventor's surname continues to constitute a change whose acceptance requires a formal petition under 37 CFR 1.182. In the absence of such a petition, it would not be appropriate to accept the declaration.

DECISION

The declaration is **NOT ACCEPTED**, without prejudice.

A proper response must be filed within either (1) **ONE (1) MONTH** from the mail date of this decision (**NOT** extendable) or (2) the remaining period for response to the Decision mailed on 04 August 2008 (extendable under 37 CFR 1.136(a)), whichever expires later. Failure to timely file a proper response will result in **ABANDONMENT**. This period for response is analogous to that which would be set in a Notification of Defective Response (Form PCT/DO/EO/916).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
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